

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

**TRANSCEND SHIPPING SYSTEMS, LLC,**

Plaintiff

v.

**MEDITERRANEAN SHIPPING  
COMPANY, S.A.,**

Defendant

**Case No. 6:21-cv-0040-ADA**

**JURY TRIAL DEMANDED**

**PATENT CASE**

**PLAINTIFF’S ANSWER TO COUNTERCLAIMS**

Transcend Shipping Systems, LLC (“Transcend,” “Plaintiff” and “Counter-Defendant”) hereby files this Answer to the Counterclaims filed by Defendant Mediterranean Shipping Company, S.A. (“Defendant”) at Dkt. No. 10, and would respond as follows:

**PARTIES**

1. Transcend admits this allegation.
2. Transcend admits this allegation.

**JURISDICTION**

3. Transcend incorporates its responses above.
4. Transcend admits that the Counterclaims purport to raise claims under the patent laws of the United States. Transcend denies such claims.
5. Transcend does not contest personal jurisdiction.
6. Transcend admits that venue is proper in this District. Transcend otherwise denies this allegation to the extent it suggests another venue is more convenient.

**COUNT I**  
**DECLARATION REGARDING [ALLEGED] NON-INFRINGEMENT OF**  
**U.S. PAT. NO. 10,181,109**

7. Transcend incorporates its responses above.
8. Transcend admits this allegation.
9. Transcend denies this allegation and demands strict proof thereof.
10. Transcend denies this allegation and demands strict proof thereof. Transcend further denies that Defendant is entitled to any relief whatsoever.

**COUNT II**  
**DECLARATION REGARDING [ALLEGED] INVALIDITY OF U.S. PAT. NO. 10,181,109**

11. Transcend incorporates its responses above.
12. Transcend admits this allegation.
13. Transcend denies this allegation and demands strict proof thereof.
14. Transcend denies this allegation and demands strict proof thereof. Transcend further denies that Defendant is entitled to any relief whatsoever.

**COUNT III**  
**DECLARATION REGARDING [ALLEGED] NON-INFRINGEMENT OF**  
**U.S. PAT. NO. 9,847,029**

15. Transcend incorporates its responses above.
16. Transcend admits this allegation.
17. Transcend denies this allegation and demands strict proof thereof.
18. Transcend denies this allegation and demands strict proof thereof. Transcend further denies that Defendant is entitled to any relief whatsoever.

**COUNT IV**  
**DECLARATION REGARDING [ALLEGED] INVALIDITY OF U.S. PAT. NO. 9,847,029**

19. Transcend incorporates its responses above.
20. Transcend admits this allegation.
21. Transcend denies this allegation and demands strict proof thereof.
22. Transcend denies this allegation and demands strict proof thereof. Transcend further denies that Defendant is entitled to any relief whatsoever.

**COUNT V**  
**DECLARATION REGARDING [ALLEGED] NON-INFRINGEMENT OF**  
**U.S. PAT. NO. 7,482,920**

23. Transcend incorporates its responses above.
24. Transcend admits this allegation.
25. Transcend denies this allegation and demands strict proof thereof.
26. Transcend denies this allegation and demands strict proof thereof. Transcend further denies that Defendant is entitled to any relief whatsoever.

**COUNT VI**  
**DECLARATION REGARDING [ALLEGED] INVALIDITY OF U.S. PAT. NO. 7,482,920**

27. Transcend incorporates its responses above.
28. Transcend admits this allegation.
29. Transcend denies this allegation and demands strict proof thereof.
30. Transcend denies this allegation and demands strict proof thereof. Transcend further denies that Defendant is entitled to any relief whatsoever.

**COUNT VII**  
**DECLARATION REGARDING [ALLEGED] NON-INFRINGEMENT OF**  
**U.S. PAT. NO. 10,796,268**

31. Transcend incorporates its responses above.

32. Transcend admits this allegation.

33. Transcend denies this allegation and demands strict proof thereof.

34. Transcend denies this allegation and demands strict proof thereof. Transcend further denies that Defendant is entitled to any relief whatsoever.

**COUNT VIII**

**DECLARATION REGARDING [ALLEGED] INVALIDITY OF U.S. PAT. NO. 10,796,268**

35. Transcend incorporates its responses above.

36. Transcend admits this allegation.

37. Transcend denies this allegation and demands strict proof thereof.

38. Transcend denies this allegation and demands strict proof thereof. Transcend further denies that Defendant is entitled to any relief whatsoever.

**COUNT IX**

**DECLARATION REGARDING [ALLEGED] NON-INFRINGEMENT OF  
U.S. PAT. NO. 7,253,731**

39. Transcend incorporates its responses above.

40. Transcend admits this allegation.

41. Transcend denies this allegation and demands strict proof thereof.

42. Transcend denies this allegation and demands strict proof thereof. Transcend further denies that Defendant is entitled to any relief whatsoever.

**COUNT X**

**DECLARATION REGARDING [ALLEGED] INVALIDITY OF U.S. PAT. NO. 7,253,731**

43. Transcend incorporates its responses above.

44. Transcend admits this allegation.

45. Transcend denies this allegation and demands strict proof thereof.

46. Transcend denies this allegation and demands strict proof thereof. Transcend further denies that Defendant is entitled to any relief whatsoever.

**PRAYER FOR RELIEF**

Transcend denies all allegations in Defendant's Prayer for Relief, and further denies that Defendant is entitled to any relief whatsoever.

**AFFIRMATIVE DEFENSES**

1. **Failure to State a Claim.** The Counterclaims, and each count therein, fail to state a claim upon which relief may be granted.
2. **Unjust Enrichment.** Defendant improperly enriched itself and should not benefit for its improper and illegal acts.
3. **Validity.** Transcend affirmatively pleads that all of Asserted Patents are valid.
4. **Infringement.** Transcend affirmatively pleads that Defendant has infringed, including directly (whether individually or jointly) or indirectly (whether contributorily or by inducement), all valid, enforceable claims of the Asserted Patents.
5. **Lack of Standing.** Defendant does not have any right or standing to assert the claims at issue.
6. **Legal Doctrine.** Defendant's Counterclaim against Transcend are barred by one or more of the equitable doctrines of laches, estoppel, acquiescence, waiver, and unclean hands.
7. **Reservation.** Transcend reserves the right to assert additional affirmative defenses as they become known through additional investigation and/or discovery during the course of this litigation.

Dated: April 15, 2021

Respectfully Submitted

/s/ René A. Vazquez

M. Scott Fuller

Texas Bar No. 24036607

sfuller@ghiplaw.com

Randall Garteiser

Texas Bar No. 24038912

rgarteiser@ghiplaw.com

Thomas Fasone III

Texas Bar No. 00785382

tfasone@ghiplaw.com

René A. Vazquez

Virginia Bar No. 41988

rvazquez@ghiplaw.com

**GARTEISER HONEA, PLLC**

119 W. Ferguson Street

Tyler, Texas 75702

Telephone: (903) 705-7420

Facsimile: (888) 908-4400

**ATTORNEYS FOR PLAINTIFF**

**TRANSCEND SHIPPING SYSTEMS, LLC**